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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,058	01/10/2002	Wayne T. Heverly	6911-3	6554

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,058

Applicant(s)

HEVERLY, WAYNE T. m

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 11 is withdrawn in view of the newly discovered reference(s) to EPO Publication 1,156,253. Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 only claims subject matter that is already recited in claim 16, from which it depends.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the elastomeric sealing ring" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the seal portion" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3679

Claim 15 recites the limitation "the stepped circular interior" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the seal retaining portion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the stepped circular interior" in lines 12, 14 and 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the seal portion" in line 12 and. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the seal retaining portion" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rea et al. in view of EPO Patent Application 1,156,253.

In regard to claims 11 and 16, Rea et al. discloses a quick connect tubing assembly comprising:

a length of tube having two ends (the tube that is placed over portion 14a);
a tubular quick connect retainer sleeve 14e; and

Art Unit: 3679

a tubular quick connect retainer fitting 16 within and being integral with the tubular sleeve, the quick connect retainer comprising; a stepped circular interior 14c, a seal portion 14d and an elastomeric sealing ring 18a adapted to sealingly engage the male fitting 10, the ring fitting radially within the inside diameter of the seal portion 14d of the stepped circular interior and fitting axially against the shoulder 10e formed between the seal portion of the stepped interior and the seal retaining portion 16b of the stepped circular interior 14c, a plurality of inwardly extending resilient fingers 16m, the resilient fingers being adapted to retainingly and releasably engage a male fitting 10, an outwardly extending flange 16d extending from a first end thereof; and inwardly extending flange 16b extending from a second end thereof; and an intermediate wall portion 16a connecting the outwardly extending flange and the inwardly extending flange, the outwardly extending flange engaging a free end 14j of the tubular quick connect retainer sleeve. Rea discloses that the coupling is designed to provide a quick connect coupling having an improved sealing arrangement. However, Rea et al. does not disclose that the quick connect retainer sleeve is monolithically formed with a corrugated tubing. EPO Application '253 teaches integrally molding a quick connector retainer sleeve 61 directly to a length of corrugated tubing 14 so that the corrugated tube can be connected by only having to fix the resinous connector sleeve to a male fitting, thereby improving the efficiency of the pipe installation. Therefore it would have been obvious to a person having ordinary skill in the art to mold the quick connector retainer sleeve of Rea et al. directly to a length of tubing, as taught by EPO Application '253, in order to remove an installation step and decrease the time needed to assemble the quick connect tubing joint.

In regard to claim 15, duplicates subject matter already recited into claim 16.

Art Unit: 3679

In regard to claim 17, the quick connect retainer inwardly extending flange 16b is formed of a plurality of discontinuous flange sections.

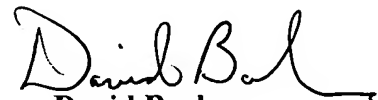
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Proppe et al. discloses a similar coupling common in the art.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
Art Unit 3679
September 16, 2004